

SIXTIETH DAY
(Monday, May 2, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Williams.

Absent-excused: Lyon, Whitmire.

A quorum was announced present.

Senator John Leedom offered the invocation as follows:

Dear Heavenly Father, as we come together today, this great day that You've given us, let us always be reminded that whatever we do today should be to Thy glory and Thy honor, and pray that our thoughts and our efforts will be one to cooperate together for this great State in our deliberations. And when we leave here today that we'll know that we can look back on it, that Thy will was done. In Christ's name, Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 28, 1983, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Brooks.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Farabee and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1363 by Henderson

Natural Resources

Creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, to be known as "Harris County Municipal Utility District No. 233, of Harris County, Texas," and declaring the district a governmental agency, and a body corporate and politic; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the district; conferring on the district the rights, powers, privileges, authority, and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; providing for appointment of the first directors of the district, and for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article XVI, Section 59(d) and Section 59(e), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above-mentioned subjects; providing a severability clause; and declaring an emergency.

S.B. 1364 by Kothmann Intergovernmental Relations
Relating to certification requirements for elected city marshals who serve without compensation.

S.B. 1365 by Truan Natural Resources
Relating to restricting solid waste facilities for storage, processing, or disposal of hazardous waste.

S.B. 1366 by Truan Intergovernmental Relations
Relating to the establishment of a juvenile board in each of the counties of Brooks, Jim Wells, Kenedy, Kleberg, and Willacy.

S.B. 1367 by Whitmire Natural Resources
Amending the Act creating the Coastal Industrial Water Authority; providing that Texas Department of Water Resources approval of bonds and of plans and specifications for projects to be financed by the sale of bonds shall not be required of the Coastal Industrial Water Authority; finding and declaring that the requirements of Article XVI, Section 59(d) and Section 59(e), Constitution of Texas, have been performed and accomplished; and declaring an emergency.

S.B. 1368 by Farabee State Affairs
Relating to time periods for the filing of reports and the payment of contributions for social security for public employees.

S.B. 1369 by Henderson Intergovernmental Relations
Relating to the removal from office of a member of the board of a rapid transit authority.

S.C.R. 100 by Uribe Administration
Granting Mission Insurance Company permission to sue the State.

S.R. 532 by Parker Natural Resources
Directing the Texas Coastal and Marine Council to take actions to assure maximum benefits to the State in securing oil and gas structures and other materials to supplement and extend the artificial reef system to enhance fishery resources.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

- H.B. 4**, To Committee on State Affairs.
- H.B. 493**, To Committee on State Affairs.
- H.B. 517**, To Committee on State Affairs.
- H.B. 1128**, To Committee on Health and Human Resources.
- H.B. 1344**, To Committee on Economic Development.
- H.B. 1505**, To Committee on Health and Human Resources.
- H.B. 1619**, To Committee on Intergovernmental Relations.
- H.B. 2158**, To Committee on Finance.
- H.B. 2298**, To Committee on Intergovernmental Relations.
- H.C.R. 197**, To Committee on Intergovernmental Relations.

-REPORT OF STANDING COMMITTEE

Senator Harris submitted the following report for the Committee on Economic Development:

- S.B. 925**
- S.B. 775** (Amended)
- H.B. 886**

H.B. 853
S.B. 776 (Amended)
H.B. 1422
S.B. 927 (Amended)
S.B. 647
H.B. 1849
H.B. 464
C.S.S.B. 1168 (Read first time)
C.S.S.B. 625 (Read first time)
C.S.S.B. 1091 (Read first time)

MESSAGE FROM THE HOUSE

House Chamber
May 2, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 470, Relating to registration of antique motor vehicles.

H.B. 544, Relating to liability for interference with child custody and to court orders providing for possession of or access to a child.

H.B. 736, Relating to evidence of, exemptions from, and disposition of fees collected as a result of compulsory liability insurance for certain vehicles.

H.B. 827, Relating to the disposition of interest earned on the separate fund accounts in the state treasury of public institutions of higher education.

H.B. 1056, Relating to specific enforcement of agreements to arbitrate future disputes.

H.B. 1068, Relating to continuing legal education of judges and personnel of the municipal courts.

H.B. 1213, Relating to campaign contributions involving certain judicial offices.

H.B. 1409, Relating to the authority of certain cities to impose a hotel occupancy tax; providing for authorized uses of revenues derived from the tax imposed.

H.B. 1488, Relating to the regulation of the formation and operation of risk retention groups.

H.B. 1677, Relating to the protection of parental rights and to the standard of proof in suits affecting the parent-child relationship in which termination of the parent-child relationship is sought.

S.C.R. 4, Directing the Texas Department of Health to continue informational programs to increase the awareness of the importance of reporting birth defects.

S.C.R. 19, Requesting State Board of Insurance to take certain actions relating to persons with diabetes.

S.C.R. 30, Granting Frank E. Hejl permission to sue the State.

S.C.R. 43, Inviting the Honorable Tony Bonilla, National President of the League of United Latin American Citizens to address the Regular Session of the 68th Legislature in Joint Session on May 5, 1983 at 11:00 a.m.

S.C.R. 55, In memory of E. W. Rowland.

S.C.R. 74, In memory of Jerry Mebus.

H.C.R. 69, Urging school districts to join the state in increasing teacher salaries.

H.C.R. 127, Directing the State Board of Education to study the feasibility of providing effective driver education to all students at the secondary school level.

H.C.R. 131, Proclaiming the first week of May to be "Shatter Silence" week.

H.C.R. 135, Encouraging community gardening.

H.C.R. 141, Memorializing Congress to enact **H.B. 1190** relating to a deferral of Farmers Home Administration loan payments.

H.C.R. 151, Inviting Senator John Tower to address a Joint Session.

H.C.R. 157, Designating the week of November 7-13, 1983, as Texas Reye's Syndrome Week.

H.C.R. 172, Welcoming the National Grange Convention to San Antonio.

H.C.R. 175, Commending the KYKX Radio Station.

H.C.R. 176, Congratulating Stoudt Distributing Company on 15th anniversary.

H.C.R. 179, Commending the Fredericksburg Volunteer Fire Department.

S.B. 99, Relating to juvenile court orders for family counseling. (With amendment)

S.B. 173, Relating to an aggravated or deadly assault on a jailer or a guard.

S.B. 257, Relating to the authority of the commissioners court of Wichita County to create the office of public defender for that county.

S.B. 357, Relating to annexation of county territory by certain junior college districts and to duties of the governing boards of such districts.

S.B. 499, Relating to the election and terms of directors of the Lavaca Hospital District.

S.B. 555, Relating to voting absentee because of a death in the immediate family occurring after the expiration of the regular period for absentee voting.

S.B. 570, Relating to the motor fuel tax requirement of surety bonds for interstate truckers.

S.B. 580, Relating to penalties and interest on certain taxes administered by the comptroller of public accounts on assessments on certain public utilities and for failure to file certain reports.

S.B. 581, Relating to limitations on the collection and refunds of state taxes administered by the comptroller and to the filing and release of state tax liens.

S.B. 588, Relating to the authority of water control and improvement districts to enter into certain contracts.

S.B. 594, Relating to the application of sales and use tax to parts and accessories added to manufactured houses that are subject to the manufactured housing tax and relating to credits or refunds for sales in interstate commerce.

S.B. 614, Relating to the period of validity of certain motor fuel tax decals and permits, to refunds for unused portions of certain advanced taxes paid, and to the determination of the tax liability in the first year after the issuance.

S.B. 637, Relating to the issuance of warrants to persons owing certain delinquent taxes.

S.B. 663, Relating to certain probate court fees collected by county clerks and clerks of county courts.

S.B. 683, Relating to discharge from the Texas military forces.

S.B. 684, Relating to the law regulating enlistments and appointments in the Texas National Guard.

S.B. 685, Relating to compensation for a member, or the survivors of a member, of the Texas military forces if the member is killed or disabled while performing state military duty and to reimbursement for funeral expenses.

S.B. 686, Relating to disciplinary punishment for a minor offense committed by a member of the Texas military forces.

S.B. 687, Relating to awards, decorations, and medals for meritorious service presented to a member of the military forces.

S.B. 1100, Relating to exemption from regulation of certain audiologists making earmold impressions. (With amendment)

H.B. 101, Relating to coordinating board approval of junior college construction financed with funds from a source other than the state and to the use of student fees for junior college construction.

H.B. 163, Relating to discounts for early payment of property taxes.

H.B. 534, Relating to the date by which rendition statements and property reports must be delivered to the chief appraiser.

H.B. 644, Relating to the authority of school districts to put records and reports on microfilm.

H.B. 647, Relating to the submission of the appraisal roll to a taxing unit.

H.B. 669, Relating to agricultural cooperatives.

H.B. 854, Relating to validation of certain acts, proceedings, and orders concerning exclusion of territory from the Meadowlakes Municipal Utility District of Burnet County, Texas.

H.B. 1007, Relating to railroad crossing safety information.

H.B. 1019, Relating to assignment pay for firemen serving as field training officers in certain cities.

H.B. 1203, Relating to revision of the Tax Code to conform to recent constitutional amendments concerning property taxation.

H.B. 1217, Relating to the labeling and advertising of kosher food.

H.B. 1279, Relating to the authority of the Department of Agriculture to transfer funds between programs.

H.B. 1308, Relating to the reporting of the movement of a mobile home for purposes of property tax records.

H.B. 1336, Relating to the attendance of children enrolled in public school kindergarten.

H.B. 1340, Relating to validation of the boundaries of the Forest Cove Municipal Utility District and elections held in the district.

H.B. 1361, Relating to changing certain alcoholic beverage on-premise permits or licenses to off-premise permits or licenses.

H.B. 1376, Relating to possession limits for red drum and speckled sea trout, to penalties for engaging in business as a commercial finfish fisherman without a license, and to penalties for commercial and noncommercial activities.

H.B. 1395, Relating to the remedies for unequal appraisal of property for property tax purposes.

H.B. 1446, Relating to the required filing date for a notice of protest in a property tax dispute.

H.B. 1500, Relating to the correction of a tax roll prepared by a tax assessor for a taxing unit prior to the participation of the taxing unit in an appraisal district.

H.B. 1501, Relating to salaries of the veterans county service officer and assistants.

H.B. 1542, Relating to gifts received by the Board of Regents of The University of Texas System.

H.B. 1571, Relating to exceptions to the Nonresident Violator Compact of 1977.

H.B. 1582, Relating to a taxpayer protest of the situs of property.

H.B. 1834, Relating to the creation of the County Court at Law of Ellis County.

H.B. 1840, Relating to a joint office for certain irrigation districts.

H.B. 1861, Relating to the creation, organization, powers, duties and financing of certain municipal power agencies.

H.B. 1883, Relating to reimbursement of expenses in connection with certain probate proceedings.

H.B. 1884, Relating to certain proceedings under the Texas Probate Code.

H.B. 1967, Relating to the designation of county roads as farm-to-market roads.

H.B. 1991, Relating to the withholding of the compensation of certain county officers who elect not to be paid for their services.

H.B. 2032, Relating to the parties in an appeal of a property tax determination and to service of process on those parties.

H.B. 2077, Relating to pilot projects for year round school programs.

H.B. 2112, Relating to the use of fresh water for enhanced oil recovery activities under an injection well permit.

H.B. 2135, Relating to the responsibilities of landowners in plugging and replugging abandoned oil and gas wells.

H.B. 2140, Relating to the use of volunteers by certain governmental entities that provide human services.

H.B. 2165, Relating to certain licensing requirements and penalties under the Liquefied Petroleum Gas Code.

H.B. 2256, Relating to certain reports filed by voter registrars with the Secretary of State.

H.B. 2271, Relating to coordination of activities of state agencies related to health care.

H.B. 2320, Relating to validation of certain contracts of and issuance of a certain order by the Meadowlakes Municipal Utility District.

Respectfully,
BETTY MURRAY, Chief Clerk
House of Representatives

BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolution:

S.J.R. 12

S.B. 33

S.B. 339

S.B. 453

SENATE BILL 368 WITH HOUSE AMENDMENT

Senator Sarpalius called **S.B. 368** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Committee Amendment No. 1 - Tow

Amend **S.B. 368** on page 5, line 2, by adding the following language:

"If the council is continued in existence beyond that date, subsequent sunset provisions should be made to conform with those of the Texas Department of Human Resources."

The amendment was read.

Senator Sarpalius moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 454 WITH HOUSE AMENDMENT

Senator Sharp called **S.B. 454** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Floor Amendment No. 1 - DeLay

Substitute the following for **S.B. 454**:

A BILL TO BE ENTITLED AN ACT

relating to the powers and duties of the Fort Bend County Drainage District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 303, Acts of the 51st Legislature, Regular Session, 1949, is amended by adding Sections 3A through 3L to read as follows:

Sec. 3A. In Sections 3B-3L of this Act:

(1) "Groundwater" means water located beneath the earth's surface within the District but does not include water produced with oil in the production of oil and gas.

(2) "Well" means any facility, device, or method used to withdraw groundwater from the groundwater supply within the District.

(3) "Groundwater-withdrawal year" means the period beginning January 1 of one year and ending December 31 of that same year.

(4) "Withdraw" means the act of extracting groundwater by pumping or some other method.

(5) "Drill" means drilling, equipping, or completing wells or substantially altering the size of wells or well pumps.

(6) "Subsidence" means the lowering in elevation of the surface of land by the withdrawal of groundwater.

Sec. 3B. (a) The Fort Bend County Drainage District may implement and carry out the powers and duties under Sections 3C-3L of this Act only if the proposition provided by Subsection (d) of this section is approved by the voters at the election to be called and held under this section. The District may implement and begin to carry out the powers and duties under Sections 3C-3L of this Act on entry of the declaration of the election results approving the proposition in the minutes of the Commissioners Court.

(b) The Commissioners Court shall call an election to be held within one (1) year from the effective date of this section within the boundaries of the District to approve the exercise by the District of the powers granted in Sections 3C-3L of this Act.

(c) Notice of the election shall state the day and places for holding the election and the proposition to be voted on. The Commissioners Court shall publish the notice once in a newspaper of general circulation in the District. The notice must be published at least thirty-five (35) days before the date set for the election.

(d) The ballot for the election shall be printed to provide for voting for or against the proposition: "Authorizing the Fort Bend County Drainage District to exercise groundwater management powers to control and prevent subsidence in the district."

(e) Immediately after the election, the presiding judge of each polling place shall make returns of the result to the Commissioners Court, and the Commissioners Court shall canvass the returns and declare the result.

(f) If a majority of the votes cast at the election favor the proposition, the Commissioners Court shall declare that the District may exercise the powers provided by Sections 3C-3L of this Act and shall enter the results in its minutes. If a majority of the votes cast at the election are against the proposition, the Commissioners Court shall declare that the District may not exercise the powers provided by Sections 3C-3L of this Act and shall enter the results in its minutes. In either case, the Commissioners Court shall file a copy of the election results with the Texas Department of Water Resources.

Sec. 3C. (a) The District may regulate withdrawals of groundwater as provided by this section and Sections 3D-3L of this Act taking into account all factors including availability of surface water, economic impact on persons and the community, degree and effect of subsidence on the surface of land, and differing topographical and geophysical characteristics of land areas within the District.

(b) To carry out the authority under Subsection (a) of this section and Sections 3D-3L of this Act, the Commissioners Court may issue rules, regulations, orders, and permits.

Sec. 3D. (a) After notice and hearing, the Commissioners Court shall formulate and adopt a plan to control and prevent subsidence within the District. The plan shall accomplish this purpose by the reduction of groundwater withdrawals to amounts that will restore and maintain sufficient artesian pressure to control and prevent subsidence.

(b) The plan shall specify in as much detail as practicable the acts, procedures, performance, and avoidance that are necessary to control and prevent subsidence in the District.

(c) Included in the information to be gathered for formulation of the plan shall be:

(1) a list of all wells in the District that will be subject to regulation;

(2) an accurate estimate of groundwater production from each well or proposed well in the District;

(3) an accurate estimate of the amount of groundwater that may be produced from each well and each area in the District without causing drawdown of the water table and reduction of artesian pressure that will lead to subsidence within the District;

(4) an accurate estimate of the current and future water needs of each well owner in the District;

(5) an accurate estimate of the groundwater production capacity of each well in the District;

(6) a list of all available sources of water in the area of the District other than groundwater;

(7) the purpose for which the water is currently used and for which it is proposed to be used in the future;

(8) information relating to formulation of a permit system; and

(9) other necessary information and material to carry out the management of groundwater in the District.

(d) The plan must be formulated within twelve (12) months after the date of the election in Section 3B of this Act, and must be reviewed by the Commissioners Court and adopted within sixty (60) days after it is formulated.

(e) After the hearing on the plan, the Commissioners Court shall make any changes it considers necessary based on evidence and material presented at the hearing and shall adopt the plan.

(f) The plan adopted under this section may be amended or repealed and a new plan adopted in the manner provided in this section for the adoption of the original plan. A plan, once adopted, shall remain in effect until the adoption of a new plan.

(g) During the period in which the Commissioners Court is formulating and adopting the plan, the Commissioners Court shall adopt temporary rules and regulations relating to the withdrawal of groundwater that are necessary to control subsidence in the District.

Sec. 3E. (a) Before a well located within the boundaries of the District that is used or to be used for the purpose of withdrawing groundwater may be operated or drilled for that purpose, the owner of the well must obtain a permit from the Commissioners Court in the manner provided in this section.

(b) Permits issued under this section are for a term of one year from the date of their issuance unless a longer term is specified by the Commissioners Court. The Commissioners Court may issue a permit for a term longer than one (1) year, but not to exceed five (5) years, whenever to do so would aid the District in the effective and expeditious performance of its duties and would not impair the ability of the District to control and prevent subsidence within the District.

(c) A permit does not become a vested right in the holder and may be revoked or suspended, or its terms may be modified or amended after notice and hearing, whenever reasonably necessary to prevent or control subsidence.

(d) Permits for wells under this section may be renewed by the Commissioners Court in the manner provided for obtaining the original permit.

(e) A person who desires to obtain a permit under this section shall submit to the Commissioners Court an application. The application must state:

(1) the name of the person requesting the permit;
(2) the address of the person requesting the permit;
(3) the location and wellhead elevation of the well or proposed well;
(4) the amount of water being produced or proposed to be produced; and
(5) any other information necessary for the Commissioners Court to control and prevent subsidence in the District.

(f) The application for a permit must be accompanied by a reasonable application fee determined by the Commissioners Court to be used for processing the application.

(g) On receiving an application for a permit, the Commissioners Court shall issue notice and set a time for a hearing on the application. Notice of the date, time, and location of the hearing shall be given by the Commissioners Court to the applicant by certified mail, return receipt requested, not less than twenty (20) days before the day of the hearing. The Commissioners Court may consider as many applications for permits as it thinks necessary at any one hearing.

(h) Not later than thirty-five (35) days after the hearing, the Commissioners Court shall decide whether to issue a permit and, if so, shall determine the terms of the permit. In deciding whether to issue a permit and in setting the terms of the permit, the Commissioners Court shall consider, along with all other relevant factors:

(1) the District plan;
(2) the quality, quantity, and availability of surface water at prices competitive with those charged by suppliers of surface water within the District; and
(3) the economic impact on the applicant from the grant or denial of the permit, or the terms prescribed by a permit, in relation to the effect on subsidence that would result.

(i) The Commissioners Court shall grant a permit to an applicant whenever it is found upon presentation of adequate proof that there is no other adequate and available substitute or supplemental source of surface water at prices competitive with those charged by suppliers of surface water within the District and that denial of a permit will result in an arbitrary taking of property or in the practical closing and elimination of any lawful business, occupation, or activity, in either case without sufficient corresponding benefit or advantage to the people.

(j) If the Commissioners Court decides to issue the permit, the Commissioners Court shall issue the permit to the applicant stating the terms it considers necessary and shall include in the permit the following:

(1) the name and address of the person to whom the permit is issued;
(2) the location of the well;
(3) the date the permit is to expire;
(4) conditions and restrictions placed on the withdrawal of groundwater; and
(5) any other terms and conditions necessary to control and prevent subsidence.

(k) A permit issued under this section is not transferable, and any person who becomes the owner of a well for which a permit is required must make application for a permit in the manner provided by this section.

(l) A well that is operating or being drilled on the effective date of this section may continue to operate or to be drilled until a permit is obtained as provided by this section. If a permit is denied, drilling or operation of the well shall cease immediately. The owner of the well must apply for a permit before September 30, 1983.

Sec. 3F. (a) Before January 31 of each year, each owner of a well who holds a permit shall submit to the Commissioners Court a report stating the following:

- (1) the name of the owner of the well;
- (2) the location of the well;
- (3) the total amount of groundwater produced by the well during the immediately preceding groundwater-withdrawal year;
- (4) the total amount of groundwater produced by the well during each separate month of the immediately preceding groundwater-withdrawal year;
- (5) the purpose for which the groundwater was used;
- (6) the date on which the permit for the well will expire; and
- (7) any other information necessary for the Commissioners Court to control and prevent subsidence within the District.

(b) For the groundwater-withdrawal year in which a permit is issued, the information required in Subdivisions (3) and (4) of Subsection (a) of this section need only cover the months for which the permit was issued.

(c) At least once each year and at any other time that the Commissioners Court considers necessary, the Commissioners Court shall have its staff and the staff of the Texas Department of Water Resources, if necessary, make a complete study of the groundwater situation within the District and determine the water level, rates of withdrawal, amounts of withdrawal, and other information relating to the withdrawal of groundwater that may affect the subsidence of land within the District.

(d) Before March 31 of each year, the Commissioners Court shall hold a hearing to determine the effects of groundwater withdrawal during the preceding groundwater-withdrawal year on the subsidence of land within the District. At the hearing, the Commissioners Court shall consider information developed under Subsections (a) and (c) of this section in addition to information presented by persons appearing before the Commissioners Court.

(e) After the hearing, the Commissioners Court shall consider all information presented to it and shall make determinations of groundwater withdrawal in the District during the just preceding groundwater-withdrawal year and shall make findings of the effects of groundwater withdrawal during the just preceding groundwater-withdrawal year on the subsidence of land within the District. Those findings and determinations shall be included in a report adopted by the Commissioners Court and shall be made available for examination by any interested persons.

Sec. 3G. (a) In order to minimize as far as practicable the drawdown of the water table and the reduction of artesian pressure and to control and prevent subsidence, the Commissioners Court may provide for the spacing of wells and regulate the production of groundwater from the wells, taking into consideration, among other relevant factors, the economic impact on well owners and the resulting effect on subsidence. Before issuing any order, rule, or regulation under this subsection, the Commissioners Court shall set a hearing on the proposed order, rule, or regulation and issue notice of the hearing.

(b) After notice and hearing, the Commissioners Court may adopt an order requiring a water-metering device to be placed on each well.

Sec. 3H. (a) To carry out technical and other investigations necessary to the control and prevention of subsidence, the Commissioners Court and its agents and employees are entitled to access to all property within the District. Before entering property for the purposes stated in this subsection, the person seeking access shall give notice to the owner of the property in the manner provided in the rules and regulations of the District and shall present proper credentials. The Commissioners Court, and its agents and employees who enter private property, shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.

(b) The District may use subsidence compaction monitors, water-level observation wells, and other materials and equipment to determine the amount of groundwater that may be produced while at the same time allowing the rebound and stabilization of groundwater to a level that will halt subsidence.

(c) The District may conduct any studies and research that the Commissioners Court considers necessary to control and prevent subsidence, and the District may use the services of geologists, hydrologists, registered professional engineers, or other expert personnel to accomplish the purposes of this section.

(d) The Commissioners Court may cooperate with and request the assistance of the Texas Department of Water Resources, the United States Geological Survey, local governments, and other agencies of the United States and the State of Texas in implementing this Act.

Sec. 3I. (a) At the time of issuance or renewal of a permit, the Commissioners Court shall collect from the permittee a permit fee, established by schedule, based on the term of the permit and the maximum annual amount of groundwater authorized by the Commissioners Court to be withdrawn from the well.

(b) The rate of the fee collected by the Commissioners Court under this section shall be determined by the Commissioners Court after a hearing.

(c) The funds obtained from permit fees collected under this section shall be used to cover the costs of the District in issuing permits and performing other regulatory functions in the control and prevention of subsidence.

(d) The District may not issue bonds or assess, levy, and collect property taxes to carry out the powers, duties, and functions under Sections 3A-3L of this Act.

Sec. 3J. (a) The ownership and rights of the owner of land and his lessees and assigns in groundwater are recognized, and nothing in Sections 3A-3L of this Act may be construed as depriving or divesting the owner or his lessees and assigns of the ownership or rights, subject to rules, regulations, orders, and other official actions of the District.

(b) The laws and administrative rules relating to the use of surface water do not apply to groundwater.

Sec. 3K. Sections 3A-3L of this Act do not apply to:

(1) wells regulated under Chapter 27, Water Code;

(2) shallow wells, commonly known as relief wells, producing water solely to prevent hazardous sand boils, dewater surface construction sites, or relieve hydrostatic uplift on permanent structures and not used to provide a water supply for human consumption, agricultural use, manufacturing or industrial use, or water injection;

(3) those persons owning only one (1) well within the District, which well has a casing diameter of five (5) inches or less; and

(4) other wells with a casing diameter of five (5) inches or less that serve a single-family dwelling and that have a negligible effect upon subsidence within the District, provided that an exemption under this subdivision may be allowed only on application in the manner and according to the form prescribed by the Commissioners Court for applications.

Sec. 3L. (a) If it appears that a person has violated or is violating or threatening to violate Sections 3C-3K of this Act or any rule, regulation, permit, or other order of the District, the District may have a civil suit instituted in a District Court within the District:

(1) for injunctive relief to restrain the person from continuing the violation or threat of violation;

(2) for the assessment and recovery of a civil penalty of not less than Fifty Dollars (\$50) nor more than Five Thousand Dollars (\$5,000) for each violation and for each day of violation; or

(3) for both injunctive relief and civil penalties.

(b) On application for injunctive relief and a finding that a person is violating or threatening to violate this Act or any rule, permit, or other order of the District, the District Court may grant the injunctive relief as the facts may warrant.

(c) At the request of the District, the Attorney General shall institute and conduct a suit in the name of the District for injunctive relief or to recover a civil penalty or for both injunctive relief and civil penalty as authorized by Subsection (a) of this section.

(d) The Commissioners Court is not required to post bond or other security with the court under this section.

SECTION 2. This Act takes effect September 1, 1983.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Sharp moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Lyon, Whitmire.

SENATE BILL 1112 WITH HOUSE AMENDMENTS

Senator Sharp called S.B. 1112 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1 - Polk

Amend S.B. 1112 as follows:

- (1) On page 1, line 13, strike "sales,".
- (2) On page 1, lines 13-14, strike "Section 191 or".
- (3) On page 1, line 18, strike "Section 191 or".
- (4) On page 1, line 25, strike "sales,".

Committee Amendment No. 2 - Polk

Amend S.B. 1112 as follows:

- (1) On page 1, line 22, after the period, insert: "Money in the fund that is not required to be distributed to an eligible county may be used by the state."
- (2) On page 1, line 24, strike "all" and substitute "one-half".

The amendments were read.

Senator Sharp moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.B. 1112 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Sharp, Chairman; Whitmire, Traeger, Parmer and Montford.

SENATE BILL 606 WITH HOUSE AMENDMENT

Senator Brooks called **S.B. 606** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.
Floor Amendment No. 1 - Green

Amend **S.B. 606** on Third Reading by striking Section 26 of the bill and adding new Sections 26 and 27 to read as follows:

SECTION 26. EFFECTIVE DATE. This Act takes effect July 1, 1983.

SECTION 27. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended and that this Act take effect and be in force according to its terms, and it is so enacted.

The amendment was read.

Senator Brooks moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Lyon, Whitmire.

SENATE BILL 288 WITH HOUSE AMENDMENTS

Senator Leedom called **S.B. 288** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.
Committee Amendment No. 1 - Hollowell

Amend **S.B. 288** by deleting Section 3(a) and substituting in lieu thereof the following:

SECTION 3. (a) Title 112, Revised Statutes, is amended by adding Article 6447b to read as follows:

"Article 6447b. RECORDS RESEARCH FEE. The commission shall charge a person who requests an examination or search of commission records \$5 for each one-half hour or fraction of one-half hour that a commission employee spends in the examination or search, unless the person requesting the search is representing the state or a county."

Committee Amendment No. 2 - Geistweidt

Amend **S.B. 288** as follows:

(1) Adding new subsections (j) and (k) to Section 10 of the bill to read as follows:

(j) Section D, Article 6701-1/2, Revised Statutes, is amended to read as follows:

D. There shall also accompany the application for the permit a fee of Five Dollars (\$5), which fee shall be by the State ~~[Highway]~~ Department of Highways and Public Transportation deposited in the Treasury of the State of Texas to the credit of the State Highway Fund. ~~[Said fee shall be made by cashiers or certified check, postal or express money order.]~~

(k) Section D, Article 6701a-2, Revised Statutes, is amended to read as follows:

D. There shall also accompany the application for permit a fee of \$5, which fee shall be deposited by the [highway] department in the State Treasury to the credit of the State Highway Fund. ~~[Said fee shall be paid by cashier's or certified check or postal or express money order.]~~

(2) Redesignate current subsections (j) and (k) of Section 10 of this bill as Subsections (l) and (m).

Floor Amendment No. 1 - Presnal

Amend S.B. 288 by striking subsections (b) and (c) of SECTION 20 and inserting in lieu thereof the following; and relettering subsection (d) of SECTION 20 as subsection (c)

"(b) Sections 4, 5, and 6, Chapter 329, Acts of the 60th Legislature, Regular Session, 1967 (Article 6701c-3), Vernon's Texas Civil Statutes), are amended to read as follows:

'Section 4. [(a)] The department shall make the safety standards it prescribes for protective headgear available to each manufacturer of protective headgear upon request of the manufacturer.

'[(b) Any manufacturer of protective headgear may apply to the department, on an application form prescribed by the department, for approval of the design specifications of protective headgear. The application shall be accompanied by a deposit of \$15 for each design or model to be approved.

'[(c) The department shall grant an application for approval of protective headgear if the specifications of the headgear conform to the standards prescribed under Section 6 of this Act. The department may recognize the American Association of Motor Vehicle Administrators Certificate of Equipment Approval as evidence that the minimum standards prescribed by the United States of America Standards Institute have been satisfied.

'[(d) When the department has reason to believe that an approved style or make of headgear being sold commercially does not comply with the standards prescribed under Section 6 of this Act, the department, to determine compliance with the standards, may conduct a hearing as prescribed under Subsections (d) and (c), Section 108B, Chapter 303, Acts of the 54th Legislature, Regular Session, 1955 (Article 6701d, Vernon's Texas Civil Statutes).]

'Section 5. [The department shall compile a list naming each style and make of protective headgear approved by the department and make a list available upon request to the public and to persons who sell protective headgear.

'[Section 6.] Any peace officer may stop and detain any motorcycle operator or passenger for the purpose of inspecting his protective headgear to determine if the headgear is of a style and make that meets standards adopted [approved] by the department.'

"(c) If an application for approval of protective headgear is filed with the Department of Public Safety before the effective date of this section but is not approved before that date, the fee which accompanied the application shall be refunded to the applicant."

The amendments were read.

Senator Leedom moved to concur in the House amendments.

The motion prevailed.

SENATE BILL 168 WITH HOUSE AMENDMENTS

Senator Glasgow called **S.B. 168** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.
Committee Amendment No. 1 - Green

Substitute the following for **S.B. 168**

**A BILL TO BE ENTITLED
AN ACT**

relating to the regulation of health insurance policies and employee benefit plans which provide benefits for dental care expenses as a result of an accident or sickness and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Amend the Insurance Code, Vernon's Texas Civil Statutes, by adding a new Article 21.53 to read as follows:

Sec. 1. As used in this article:

(a) "health insurance policy" means any individual, group, blanket, or franchise insurance policy, insurance agreement, or group hospital service contract, providing benefits for dental care expenses incurred as a result of an accident or sickness;

(b) "employee benefit plan" means any plan, fund, or program heretofore or hereafter established or maintained by an employer or by an employee organization, or by both, to the extent that such plan, fund, or program was established or is maintained for the purpose or providing for its participants or their beneficiaries, through the purchase of insurance or otherwise, dental care benefits in the event of accident or sickness;

(c) "dental care services" means any services furnished to any person for the purpose of preventing, alleviating, curing or healing human dental illness or injury;

(d) "dentist" means any person who furnishes dental care services and who is licensed as a dentist by the State of Texas.

Sec. 2. No health insurance policy or employee benefit plan which is delivered, renewed, issued for delivery, or otherwise contracted for in this state shall:

(a) prevent any person who is a party to or beneficiary of any such health insurance policy or employee benefit plan from selecting the dentist of his choice to furnish the dental care services offered by said policy or plan, or interfere with said selection, provided the dentist is licensed to furnish such dental care services in this state;

(b) deny any dentist the right to participate as a contracting provider for such policy or plan provided the dentist is licensed to furnish the dental care services offered by said policy or plan;

(c) authorize any person to regulate, interfere, or intervene in any manner in the diagnosis or treatment rendered by a dentist to his patient for the purpose of preventing, alleviating, curing or healing dental illness or injury provided said dentist practices within the scope of his license; or

(d) require that any dentist furnishing dental care services must make or obtain dental x-rays or any other diagnostic aids for the purpose of preventing, alleviating, curing or healing dental illness or injury; provided, however, that nothing herein shall prohibit requests for existing dental x-rays or any other existing diagnostic aids for the purpose of determining benefits payable under a health insurance policy or employee benefit plan.

Nothing herein shall prohibit the predetermination of benefits for dental care expenses prior to treatment by the attending dentist.

Sec. 3. Any health insurance policy or employee benefit plan which is delivered, renewed, issued for delivery, or otherwise contracted for in this state shall, to the extent that it provides benefits for dental care expenses:

(a) disclose, if applicable, that the benefit offered is limited to the least costly treatment;

(b) define and explain the standard upon which the payment of benefits or reimbursement for the cost of dental care services is based, such as "usual and customary", "reasonable and customary," "usual, customary, and reasonable", fees or words of similar import or specify in dollars and cents the amount of the payment or reimbursement for dental care services to be provided. Said payment or reimbursement for a non-contracting provider dentist shall be the same as the payment or reimbursement for a contracting provider dentist; provided, however, that the health insurance policy or the employee benefit plan shall not be required to make payment or reimbursement in an amount which is greater than the amount so specified or which is greater than the fee charged by the providing dentist for the dental care services rendered.

Sec. 4. Any provision in a health insurance policy, or employee benefit plan which is delivered, renewed, issued for delivery, or otherwise contracted for in this state which is contrary to this Article shall, to the extent of such conflict, be void.

Sec. 5. The exemptions and exceptions in Article 13.09 and 21.41 of the Insurance Code do not apply to this Article. The provisions of this Article do not apply to health maintenance organizations as defined and regulated by Chapter 20A of the Texas Insurance Code.

Sec. 6. The provisions of this Article do not mandate that any type of benefits for dental care expenses be provided by a health insurance policy or an employee benefit plan.

Sec. 7. Notwithstanding any other provision of this Article:

(a) A dentist may contract directly with a patient for the furnishing of dental care services to said patient as may be otherwise authorized by law;

(b) any person providing a health insurance policy or employee benefit plan, or an employer, or an employee organization may:

(1) make available to its insureds, beneficiaries, participants, employees, or members information relating to dental care services by the distribution of factually accurate information regarding dental care services, rates, fees, location and hours of service, provided such distribution is made upon the request of any dentist licensed by this State; or

(2) establish an administrative mechanism which facilitates payment for dental care services by insureds, beneficiaries, participants, employees, or members to the dentist of their choice; or

(3) pay or reimburse, on a non-discriminatory basis, its insureds, beneficiaries, participants, employees, or members for the cost of dental care services rendered by the dentist of their choice.

SECTION 2. EFFECTIVE DATE. This Act takes effect on January 1, 1984 and is applicable to health insurance policies and employee benefit plans which are delivered, renewed, issued for delivery, or otherwise contracted for in this state on or after January 1, 1984.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Floor Amendment No. 1 - Madla

Amend **S.B. 168** by striking the words "Notwithstanding any other provision of this Article" on line 8 of page 4 and substitute in lieu thereof the words "The

provisions of this Article do not prohibit the following conduct and shall be construed to provide that”.

The amendments were read.

Senator Glasgow moved to concur in the House amendments.

The motion prevailed.

SENATE BILL 1278 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1278, Relating to establishment of a Texas Mental Health Code Public Information Program.

The bill was read second time and was passed to engrossment.

SENATE BILL 1278 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1278** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Lyon, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

MOTION TO PLACE HOUSE BILL 894 ON SECOND READING

Senator Jones moved to suspend the regular order of business to take up for consideration at this time:

H.B. 894, Relating to fees imposed and collected by state agencies.

The motion was lost by the following vote: Yeas 13, Nays 14.

Yeas: Blake, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Leedom, McFarland, Sharp, Sims, Traeger.

Nays: Brooks, Doggett, Glasgow, Kothmann, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Truan, Uribe, Vale, Williams.

Absent: Brown, Washington.

Absent-excused: Lyon, Whitmire.

COMMITTEE SUBSTITUTE SENATE BILL 1358 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1358, Relating to the financing of and the creation, operation, and financing of subdistricts within certain metropolitan water control and improvement districts.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1358 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1358 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Lyon, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1.

Nays: Brown.

Absent: Washington.

Absent-excused: Lyon, Whitmire.

SENATE BILL 480 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 480, Relating to apportionment of the state into congressional districts.

The bill was read second time.

Senator Mauzy offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 480** by:

- (1) deleting Article 2, Section 3 and substituting in lieu thereof the following language:

District 3 is composed of that part of Collin County included in census tracts 313.02, 316.01, 316.02, 316.03, 316.04, 316.05, 316.06, 316.07, 317, 318.01, 318.02, 318.03, and 320.01; and that part of Dallas County included in census tracts 2.01, 71.01, 73.01, 73.02, 74, 75.01, 75.02, 76.01, 76.02, 76.03, 76.04, 77, 78.01, 78.04, 78.05, 78.06, 78.07, 78.08, 78.09, 79.02, 79.03, 79.04, 79.05, 80, 81, 82, 94, 95, 96.03, 96.04, 96.07, 96.08, 96.09, 97.02, 128, 129, 130.02, 130.03, 130.04, 131.01, 131.02, 131.03, 132, 133, 134.01, 134.02, 135, 136.01, 136.04, 136.05, 136.06, 136.07, 136.08, 136.09, 136.10, 137.04, 137.05, 137.06, 138.01, 138.02, 181.07, 181.08, 181.09, 181.10, 181.11, 181.12, 181.13, 181.14, 185.02, 190.03, 190.04, 190.06, 190.07, 190.08, 190.09, 190.10, 190.11, 190.12, 191, 192.01, 192.02, 192.03, 192.04, 192.05, 192.06, 192.07, 193.01, 193.02, 194, 195.01, 195.02, 196, 197, 198, block groups 1 and 4 of census tract 1, and block group 1 of census tract 137.08.

- (2) deleting Article 2, Section 6 and substituting in lieu thereof the following language:

District 6 is composed of Brazos, Ellis, Freestone, Grimes, Hill, Hood, Johnson, Leon, Limestone, Madison, Navarro, and Robertson counties; and that part of Montgomery County included in census tracts 902.01, 902.02, 902.03, 902.04, 902.05, 902.06, 902.07, 903.01, 903.02, 904, 905, 906.01, 906.02, 906.03, 907.01, 907.03, 908.02, 909, 910, 911.01, 911.02, 912.01 and 912.02; and that part of Tarrant County included in census tracts 1024.02, 1042.01, 1042.02, 1054.01, 1054.03, 1054.04, 1055.01, 1055.03, 1108.03, 1109.01, block groups 1, 2, 3, 4, and

6 of census tract 1023.02, block groups 2, 3, 4, and 5 of census tract 1055.04, block groups 1, 2, and 8 of census tract 1109.02, and block groups 4, 7, and 9 of census tract 1110.01.

- (3) deleting Article 2, Section 12 and substituting in lieu thereof the following language:

District 12 is composed of that part of Tarrant County included in census tracts 1001.01, 1001.02, 1002.01, 1002.02, 1003, 1004, 1005.01, 1005.02, 1006.01, 1006.02, 1007, 1008, 1009, 1010, 1011, 1012.01, 1012.02, 1013.02, 1014.01, 1014.02, 1014.03, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022.01, 1022.02, 1023.01, 1023.02, 1024.01, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036.01, 1036.02, 1037.01, 1037.02, 1038, 1039, 1040, 1041, 1043, 1044, 1045.01, 1045.02, 1045.03, 1046.01, 1046.02, 1046.03, 1046.04, 1046.05, 1047, 1048.01, 1048.02, 1049, 1050.01, 1050.04, 1051, 1052, 1053, 1058, 1059, 1060.01, 1060.02, 1060.03, 1061.01, 1061.02, 1062.01, 1062.02, 1063, 1064, 1065.01, 1066, 1067, 1101.01, 1101.02, 1102.01, 1102.02, 1103, 1104.01, 1104.02, 1105, 1106.01, 1106.02, 1107.01, 1107.02, 1108.01, 1108.02, 1111.01, 1111.02, 1112.02, 1114, 1132.03, 1132.04, 1132.05, 1132.06, 1133.01, 1133.02, 1134.03, 1134.04, 1134.05, 1134.06, 1136.06, 1136.07, 1136.08, 1138.01, 1138.02, 1139, 1140.01, 1140.02, 1141, 1142.01, and 1142.02.

- (4) deleting Article 2, Section 21 and substituting in lieu thereof the following language:

District 21 is composed of Bandera, Brewster, Comal, Crane, Crockett, Edwards, Gillespie, Irion, Kendall, Kerr, Kimble, Llano, McCulloch, Mason, Menard, Midland, Pecos, Presidio, Reagan, Real, Schleicher, Sutton, Terrell, Tom Green, and Upton counties; and that part of Bexar County included in census tracts 1203, 1204, 1206, 1207, 1208, 1209.01, 1210, 1211.01, 1211.02, 1212.01, 1212.02, 1219, 1810.01, 1810.02, 1811, 1812, 1813, 1814, 1817.01, 1818, 1819, 1820, 1821, 1908, 1911.01, 1911.02, 1912, 1913, 1914, 1915, 1916, 1917, 1918, and blocks 315, 318, 319, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, and 335 of census tract 1218, and blocks 319, 320, 321, 322, 323, 324, 325, 326, 327, and 328 of census tract 1909.

- (5) deleting Article 2, Section 23 and substituting in lieu thereof the following language:

District 23 is composed of Dimmit, Kinney, Maverick, Medina, Uvalde, Val Verde, Webb and Zavala counties; and that part of Bexar County included in census tracts 1213, 1214, 1215, 1216.01, 1216.02, 1217, 1304, 1312, 1313, 1314, 1315, 1316.01, 1316.02, 1317, 1318, 1405, 1406, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1608, 1609, 1610, 1611, 1612, 1613, 1615, 1617, 1619, 1620, 1720, 1807, 1815, 1817.02, block groups 2, 4, 5, and blocks 301, 302, 303, 304, 305, 306, 308, 309, 310, 311, 312, 313, 314, 316, 317, 320, 321, and 322 of census tract 1218, block group 3 and blocks 207, 208, 209, and 210 of census tract 1311, blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 112, and 119 of census tract 1412, block group 2 and blocks 101, 104, 107, 108, 114, 115, 117, and 118 of census tract 1508, block groups 7 and 8, and blocks 502, 504, 505, 506, 507, 508, 518, 519, 521, 522, 523, 524, 525, 526, 527, 528, 616, 617, 618, 619, 620, 621, 622, 623, 624, and 625 of census tract 1511, blocks 911, 912, 914, 918, 920, 921, 925, 926, 927, and 928 of census tract 1618, block groups 3, 4, and 6, and enumeration district 1306A of census tract 1719, and block group 3 and blocks 225, 226, 227, 228, and 229 of census tract 1816.

- (6) deleting Article 2, Section 24 and substituting in lieu thereof the following language:

District 24 is composed of that part of Dallas County included in census tracts 20, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59.01, 59.02, 60.01, 60.02, 61, 62, 63.01, 63.02, 64, 65, 67, 68, 69, 86.01, 86.02, 87.01, 87.03, 87.04, 87.05, 88.01, 88.02, 89, 101, 102, 103, 104, 105, 106, 107, 108.01, 108.02, 108.03, 109, 110.01, 110.02, 111.01, 111.02, 112, 113, 114.01, 140.02, 141.01, 141.02, 141.03, 141.04, 142, 143.01, 143.02, 143.03, 143.04, 144.01, 144.02, 145, 146, 147, 149, 151, 152.01, 152.02, 153.01, 153.02, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165.01, 165.02, 165.03, 165.05, 165.06, 165.07, 166.01, 166.02, 166.03, 166.04, 167.01, and 199.

- (7) deleting Article 2, Section 26 and substituting in lieu thereof the following language:

District 26 is composed of Denton County; that part of Collin County included in census tracts 303, 304, 305, 306, 307, 314, 315, 319, 320.02, and block groups 4, 5, 6, and enumeration district 811 in census tract 308; and that part of Cooke County included in enumeration districts 325, 328, 336, 337, 338A, 338B, 339T, 339U, 340T, and 340U; and that part of Tarrant County included in census tracts 1013.01, 1055.02, 1056, 1057.01, 1057.02, 1065.02, 1065.03, 1065.04, 1065.05, 1110.03, 1110.04, 1112.01, 1113.01, 1113.02, 1115.03, 1115.04, 1115.05, 1115.06, 1115.07, 1115.08, 1115.09, 1115.10, 1130, 1131, 1135.03, 1135.04, 1135.05, 1135.06, 1136.03, 1136.04, 1136.05, 1137.01, 1137.02, 1216.01, 1216.04, 1216.05, 1216.06, 1216.07, 1217.01, 1217.02, 1218, 1219.01, 1219.02, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, block groups 1, 6, and 7 of census tract 1055.04, block groups 4, 5, 6, and 7 of census tract 1109.02, and block groups 1 and 2 of census tract 1110.01, and block groups 201, 202, 205, 206, 207, and 208 of census tract 1055.01.

The committee amendment was read.

On motion of Senator Mauzy and by unanimous consent, the committee amendment was tabled.

Senator Mauzy offered the following amendment to the bill:

Floor Amendment No. 1

Amend Article II of **S.B. 480** as follows:

- (1) Strike Section 3 and substitute a new Section 3 to read as follows:

SECTION 3. District 3 is composed of that part of Collin County included in census tracts 313.02, 316.01, 316.02, 316.03, 316.04, 316.05, 316.06, 316.07, 317, 318.01, 318.02, 318.03, and 320.01; that part of Dallas County included in census tracts 2.01, 71.01, 73.01, 73.02, 74, 75.01, 75.02, 76.01, 76.02, 76.03, 76.04, 77, 78.01, 78.04, 78.05, 78.06, 78.07, 78.08, 78.09, 79.02, 79.03, 79.04, 79.05, 80, 81, 82, 94, 95, 96.03, 96.04, 96.07, 96.08, 96.09, 97.02, 128, 129, 130.02, 130.03, 130.04, 131.01, 131.02, 131.03, 132, 133, 134.01, 134.02, 135, 136.01, 136.04, 136.05, 136.06, 136.07, 136.08, 136.09, 136.10, 137.04, 137.05, 137.06, 138.01, 138.02, 181.07, 181.08, 181.09, 181.10, 181.11, 181.12, 181.13, 181.14, 185.02, 190.03, 190.04, 190.06, 190.07, 190.08, 190.09, 190.10, 190.11, 190.12, 191, 192.01, 192.02, 192.03, 192.04, 192.05, 192.06, 192.07, 193.01, 193.02, 194, 195.01, 195.02, 196, 197, and 198, block groups 1 and 4 of census tract 1, and block group 1 of census tract 137.08.

- (2) Strike Section 6 and substitute a new Section 6 to read as follows:

SECTION 6. District 6 is composed of Brazos, Ellis, Freestone, Grimes, Hill, Hood, Johnson, Leon, Limestone, Madison, Navarro, and Robertson counties; that

part of Montgomery County included in census tracts 902.01, 902.02, 902.03, 902.04, 902.05, 902.06, 902.07, 903.01, 903.02, 904, 905, 906.01, 906.02, 906.03, 907.01, 907.03, 908.02, 909, 910, 911.01, 911.02, 912.01, and 912.02; and that part of Tarrant County included in census tracts 1024.02, 1042.01, 1042.02, 1054.01, 1054.03, 1054.04, 1055.03, 1108.03, and 1109.01, blocks 517 and 518 of census tract 1023.02, block groups 1 and 3, and blocks 203, 204, 209, and 210 of census tract 1055.01, block groups 2, 3, 4, and 5 of census tract 1055.04, block groups 1, 2, 3, and 8 of census tract 1109.02, and enumeration district 82, and block groups 4, 7, and 9 of census tract 1110.01.

(3) Strike Section 12 and substitute a new Section 12 to read as follows:

SECTION 12. District 12 is composed of that part of Tarrant County included in census tracts 1001.01, 1001.02, 1002.01, 1002.02, 1003, 1004, 1005.01, 1005.02, 1006.01, 1006.02, 1007, 1008, 1009, 1010, 1011, 1012.01, 1012.02, 1013.02, 1014.01, 1014.02, 1014.03, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022.01, 1022.02, 1023.01, 1024.01, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036.01, 1036.02, 1037.01, 1037.02, 1038, 1039, 1040, 1041, 1043, 1044, 1045.01, 1045.02, 1045.03, 1046.01, 1046.02, 1046.03, 1046.04, 1046.05, 1047, 1048.01, 1048.02, 1049, 1050.01, 1050.04, 1051, 1052, 1053, 1058, 1059, 1060.01, 1060.02, 1060.03, 1061.01, 1061.02, 1062.01, 1062.02, 1063, 1064, 1065.01, 1066, 1067, 1101.01, 1101.02, 1102.01, 1102.02, 1103, 1104.01, 1104.02, 1105, 1106.01, 1106.02, 1107.01, 1107.02, 1108.01, 1108.02, 1111.01, 1111.02, 1112.02, 1114, 1132.03, 1132.04, 1132.05, 1132.06, 1133.01, 1133.02, 1134.03, 1134.04, 1134.05, 1134.06, 1136.06, 1136.07, 1136.08, 1138.01, 1138.02, 1139, 1140.01, 1140.02, 1141, 1142.01, and 1142.02, and block groups 1, 2, 3, 4, and 6, and blocks 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, and 516 of census tract 1023.02.

(4) Strike Section 21 and substitute a new Section 21 to read as follows:

SECTION 21. District 21 is composed of Bandera, Brewster, Comal, Crane, Crockett, Edwards, Gillespie, Irion, Kendall, Kerr, Kimble, Llano, McCulloch, Mason, Menard, Midland, Pecos, Presidio, Reagan, Real, Schleicher, Sutton, Terrell, Tom Green, and Upton counties; and that part of Bexar County included in census tracts 1203, 1204, 1206, 1207, 1208, 1209.01, 1210, 1211.01, 1211.02, 1212.01, 1212.02, 1219, 1810.01, 1810.02, 1811, 1812, 1813, 1814, 1817.01, 1818, 1819, 1820, 1821, 1908, 1911.01, 1911.02, 1912, 1913, 1914, 1915, 1916, 1917, and 1918, blocks 315, 318, 319, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, and 335 of census tract 1218, and blocks 319, 320, 321, 322, 323, 324, 325, 326, 327, and 328 of census tract 1909.

(5) Strike Section 23 and substitute a new Section 23 to read as follows:

SECTION 23. District 23 is composed of Dimmit, Kinney, Maverick, Medina, Uvalde, Val Verde, Webb, and Zavala counties; and that part of Bexar County included in census tracts 1213, 1214, 1215, 1216.01, 1216.02, 1217, 1304, 1312, 1313, 1314, 1315, 1316.01, 1316.02, 1317, 1318, 1405, 1406, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1608, 1609, 1610, 1611, 1612, 1613, 1615, 1617, 1619, 1620, 1720, 1807, 1815, and 1817.02, block groups 2, 4, and 5, and blocks 301, 302, 303, 304, 305, 306, 308, 309, 310, 311, 312, 313, 314, 316, 317, 320, 321, and 322 of census tract 1218, block group 3, and blocks 207, 208, 209, and 210 of census tract 1311, blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 112, and 119 of census tract 1412, block group 2, and blocks 101, 104, 107, 108, 109, 114, 115, 117, and 118 of census tract 1508, block groups 7 and 8, and blocks 502, 504, 505, 506, 507, 508, 518, 519, 521, 522, 523, 524, 525, 526, 527, 528, 616, 617, 618, 619, 620, 621, 622, 623, 624, and 625 of census tract 1511, blocks 911, 912, 914, 918, 920, 921, 925, 926, 927, and 928 of census tract 1618, enumeration district 1306A, and block groups 3, 4, and 6 of census tract 1719, and block group 3, and blocks 225, 226, 227, 228, and 229 of census tract 1816.

(6) Strike Section 24 and substitute a new Section 24 to read as follows:

SECTION 24. District 24 is composed of that part of Dallas County included in census tracts 20, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59.01, 59.02, 60.01, 60.02, 61, 62, 63.01, 63.02, 64, 65, 67, 68, 69, 86.01, 86.02, 87.01, 87.03, 87.04, 87.05, 88.01, 88.02, 89, 101, 102, 103, 104, 105, 106, 107, 108.01, 108.02, 108.03, 109, 110.01, 110.02, 111.01, 111.02, 112, 113, 114.01, 140.02, 141.01, 141.02, 141.03, 141.04, 142, 143.01, 143.02, 143.03, 143.04, 144.01, 144.02, 145, 146, 147, 149, 151, 152.01, 152.02, 153.01, 153.02, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165.01, 165.02, 165.03, 165.05, 165.06, 165.07, 166.01, 166.02, 166.03, 166.04, 167.01, and 199.

(7) Strike Section 26 and substitute a new Section 26 to read as follows:

SECTION 26. District 26 is composed of Denton County; that part of Collin County included in census tracts 303, 304, 305, 306, 307, 314, 315, 319, and 320.02, and enumeration district 811, and block groups 4, 5, and 6 of census tract 308; that part of Cooke County included in enumeration districts 325, 328, 336, 337, 338A, 338B, 339T, 339U, 340T, and 340U; that part of Dallas County included in census tracts 96.05, 96.06, 97.01, 99, 137.01, 137.02, 137.07, 139, and 140.01, and block groups 2, 3, 4, and 5 of census tract 137.08; and that part of Tarrant County included in census tracts 1013.01, 1055.02, 1056, 1057.01, 1057.02, 1065.02, 1065.03, 1065.04, 1065.05, 1110.03, 1110.04, 1112.01, 1113.01, 1113.02, 1115.03, 1115.04, 1115.05, 1115.06, 1115.07, 1115.08, 1115.09, 1115.10, 1130, 1131, 1135.03, 1135.04, 1135.05, 1135.06, 1136.03, 1136.04, 1136.05, 1137.01, 1137.02, 1216.01, 1216.04, 1216.05, 1216.06, 1216.07, 1217.01, 1217.02, 1218, 1219.01, 1219.02, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, and 1229, blocks 201, 202, 205, 206, 207, and 208 of census tract 1055.01, block groups 1, 6, and 7 of census tract 1055.04, block groups 4, 5, 6, and 7 of census tract 1109.02, and block groups 1 and 2 of census tract 1110.01.

The amendment was read.

Senator Edwards offered the following amendment to Floor Amendment No.

1:

Floor Amendment No. 2

(1) On page 1, strike lines 28-39 and substitute the following:

SECTION 6. District 6 is composed of Brazos, Ellis, Freestone, Grimes, Hill, Hood, Johnson, Leon, Limestone, Madison, Navarro, and Robertson counties; that part of Dallas County included in census tracts 165.03, 165.05, and 165.07; that part of Montgomery County included in census tracts 902.01, 902.02, 902.03, 902.04, 902.05, 902.06, 902.07, 903.01, 903.02, 904, 905, 906.01, 906.02, 906.03, 907.01, 907.03, 908.02, 909, 910, 911.01, 911.02, 912.01, and 912.02; and that part of Tarrant County included in census tracts 1023.02, 1108.03, 1109.01, 1109.02, and 1110.01, and block group 8 and blocks 508, 509, 510, 511, and 512 of census tract 1110.04.

(2) On page 1, strike lines 42-58 and substitute the following:

SECTION 12. District 12 is composed of that part of Tarrant County included in census tracts 1001.01, 1001.02, 1002.01, 1002.02, 1003, 1004, 1005.01, 1005.02, 1006.01, 1006.02, 1007, 1008, 1009, 1010, 1011, 1012.01, 1012.02, 1013.02, 1014.01, 1014.02, 1014.03, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022.01, 1022.02, 1023.01, 1024.01, 1024.02, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036.01, 1036.02, 1037.01, 1037.02, 1038, 1039, 1040, 1041, 1043, 1044, 1045.01, 1045.02, 1045.03, 1046.01, 1046.02, 1046.03, 1046.04, 1046.05, 1047, 1048.01, 1048.02, 1049, 1050.01, 1050.04, 1051, 1052, 1053, 1058, 1059, 1060.01, 1060.02, 1060.03, 1061.01, 1061.02, 1062.01, 1062.02, 1063, 1064, 1065.01, 1066, 1067, 1101.01, 1101.02, 1102.01, 1102.02, 1103,

1104.01, 1104.02, 1105, 1106.01, 1106.02, 1107.01, 1107.02, 1108.01, 1108.02, 1111.01, 1111.02, 1112.02, 1114, 1132.03, 1132.04, 1132.05, 1132.06, 1133.01, 1133.02, 1134.03, 1134.04, 1134.05, 1134.06, 1136.06, 1136.07, 1136.08, 1138.01, 1138.02, 1139, 1140.01, 1140.02, 1141, 1142.01, and 1142.02.

(3) On page 2, strike lines 28-38 and substitute the following:

SECTION 24. District 24 is composed of that part of Dallas County included in census tracts 20, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59.01, 59.02, 60.01, 60.02, 61, 62, 63.01, 63.02, 64, 65, 67, 68, 69, 86.01, 86.02, 87.01, 87.03, 87.04, 87.05, 88.01, 88.02, 89, 96.05, 96.06, 97.01, 99, 101, 102, 103, 104, 105, 106, 107, 108.01, 108.02, 108.03, 109, 110.01, 110.02, 111.01, 111.02, 112, 113, 114.01, 139, 140.01, 140.02, 141.01, 141.02, 141.03, 141.04, 142, 143.01, 143.02, 143.03, 143.04, 144.01, 144.02, 145, 146, 147, 149, 151, 152.01, 152.02, 153.01, 153.02, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165.01, 165.02, 165.06, 166.01, 166.02, 166.03, 166.04, 167.01, and 199.

(4) On page 2, strike lines 41-57 and substitute the following:

SECTION 26. District 26 is composed of Denton County; and that part of Collin County included in census tracts 303, 304, 305, 306, 307, 314, 315, 319, and 320.02, and enumeration district 811, and block groups 4, 5, and 6 of census tract 308; that part of Cooke County included in enumeration districts 325, 328, 336, 337, 338A, 338B, 339T, 339U, 340T, and 340U; that part of Dallas County included in census tracts 137.01, 137.02, and 137.07, and block groups 2, 3, 4, and 5 of census tract 137.08; and that part of Tarrant County included in census tracts 1013.01, 1042.01, 1042.02, 1054.01, 1054.03, 1054.04, 1055.01, 1055.02, 1055.03, 1055.04, 1056, 1057.01, 1057.02, 1065.02, 1065.03, 1065.04, 1065.05, 1110.03, 1112.01, 1113.01, 1113.02, 1115.03, 1115.04, 1115.05, 1115.06, 1115.07, 1115.08, 1115.09, 1115.10, 1130, 1131, 1135.03, 1135.04, 1135.05, 1135.06, 1136.03, 1136.04, 1136.05, 1137.01, 1137.02, 1216.01, 1216.04, 1216.05, 1216.06, 1216.07, 1217.01, 1217.02, 1218, 1219.01, 1219.02, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, and 1229, and block groups 1, 2, 3, 4, 6, and 7, and blocks 502, 503, 504, 505, 506, 507, 513, 514, and 515 of census tract 1110.04.

The amendment to Floor Amendment No. 1 was read.

Senator Mauzy moved to table the amendment to Floor Amendment No. 1.

The motion was lost by the following vote: Yeas 10, Nays 18.

Yeas: Blake, Brooks, Mauzy, McFarland, Parmer, Santiesteban, Sharp, Truan, Uribe, Williams.

Nays: Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Montford, Parker, Sarpalius, Sims, Traeger, Vale.

Absent: Washington.

Absent-excused: Lyon, Whitmire.

Question recurring on the adoption of the amendment to Floor Amendment No. 1, the amendment to Floor Amendment No. 1 was adopted by the following vote: Yeas 21, Nays 7.

Yeas: Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Montford, Parker, Santiesteban, Sarpalius, Sims, Traeger, Uribe, Vale, Williams.

Nays: Blake, Brooks, Mauzy, McFarland, Parmer, Sharp, Truan.

Absent: Washington.

Absent-excused: Lyon, Whitmire.

Question recurring on the adoption of Floor Amendment No. 1 as amended, Floor Amendment No. 1 as amended was adopted.

Senator Mauzy offered the following committee amendment to the bill:

Amend **S.B. 480** by adding a new Article III and renumbering the current Article III to Article IV as follows:

Pursuant to Subsection (h) of Section 11.22 of the Texas Education Code, all members of the State Board of Education were elected in 1982 at the general election immediately following the decennial reapportionment of congressional districts in Texas. Pursuant to Subsection (i) of Section 11.22 these officers drew lots to determine which members shall serve for six years, which members shall serve for four years and which members shall serve for two years. Notwithstanding this Act changing the boundaries of certain congressional districts, the terms of office of the members of the State Board of Education shall not be affected by such change, and each member shall be entitled to serve for the remainder of the term to which he was elected and which was determined in accordance with Subsection (i) of Section 11.22 even though the change in boundaries may have placed his residence outside the district for which he was elected.

The committee amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Harris, Henderson and McFarland asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 480 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 480** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Farabee, Glasgow, Howard, Jones, Kothmann, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Williams.

Nays: Brown, Harris, Henderson, Leedom, Washington.

Absent-excused: Lyon, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 6.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Farabee, Glasgow, Howard, Jones, Kothmann, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Vale, Washington, Williams.

Nays: Brown, Harris, Henderson, Leedom, McFarland, Sims.

Absent-excused: Lyon, Whitmire.

COMMITTEE SUBSTITUTE SENATE BILL 325 ON SECOND READING

Senator Truan asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 325, Relating to allocation of certain cigarette tax revenue to and the use of the local parks, recreation, and open space fund.

There was objection.

Senator Truan then moved to suspend the regular order of business and take up **C.S.S.B. 325** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Blake, Caperton, Doggett, Edwards, Farabee, Glasgow, Henderson, Howard, Jones, Kothmann, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington.

Nays: Brooks, Brown, Harris, Leedom, McFarland, Williams.

Absent-excused: Lyon, Whitmire.

The bill was read second time.

Senator Henderson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 325** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 154.603(b), Tax Code, is amended to read as follows:

(b) The revenue remaining after deduction for the enforcement fund and allocation under Subsection (a) of this section is allocated:

- (1) 50 cents per 1,000 cigarettes to the state parks fund;
- (2) 50 cents per 1,000 cigarettes to the local parks, recreation and open space fund [~~this allocation expires on August 31, 1983~~]; and
- (3) the remainder to the general revenue fund.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

On motion of Senator Truan, the amendment was tabled by the following vote: Yeas 15, Nays 14.

Yeas: Blake, Caperton, Doggett, Edwards, Farabee, Glasgow, Howard, Jones, Montford, Parker, Sarpalius, Sharp, Traeger, Truan, Washington.

Nays: Brooks, Brown, Harris, Henderson, Kothmann, Leedom, Mauzy, McFarland, Parmer, Santiesteban, Sims, Uribe, Vale, Williams.

Absent-excused: Lyon, Whitmire.

Senator Henderson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 325**, printed copy, page 1, **SECTION 2**, (b), as follows:

“(b) The department ~~(shall)~~ is authorized to spend up to 20 percent of the amount of the fund appropriated each fiscal year if adequate federal funds are not

available for assistance grants, matching grants, and direct expenditures for use in rural areas in this state.

The amendment was read.

Senator Truan moved to table Floor Amendment No. 2.

The motion was lost by the following vote: Yeas 12, Nays 17.

Yeas: Blake, Caperton, Edwards, Farabee, Glasgow, Jones, Montford, Parker, Sarpalius, Sharp, Traeger, Truan.

Nays: Brooks, Brown, Doggett, Harris, Henderson, Howard, Kothmann, Leedom, Mauzy, McFarland, Parmer, Santiesteban, Sims, Uribe, Vale, Washington, Williams.

Absent-excused: Lyon, Whitmire.

Senator Truan offered the following substitute for Floor Amendment No. 2:
Floor Amendment No. 3

Amend Floor Amendment No. 2, printed copy, page 1, SECTION 2, (b), by substituting the following:

“(b) The department (shall) is authorized to spend up to 20 percent of the amount of the fund appropriated each fiscal year for assistance grants, matching grants, and direct expenditures for use in rural areas in this state.

The substitute for Floor Amendment No. 2 was read.

On motion of Senator Henderson, the substitute for Floor Amendment No. 2 was tabled by the following vote: Yeas 16, Nays 13.

Yeas: Brooks, Brown, Doggett, Harris, Henderson, Kothmann, Leedom, Mauzy, McFarland, Parmer, Santiesteban, Sims, Uribe, Vale, Washington, Williams.

Nays: Blake, Caperton, Edwards, Farabee, Glasgow, Howard, Jones, Montford, Parker, Sarpalius, Sharp, Traeger, Truan.

Absent-excused: Lyon, Whitmire.

Question recurring on the adoption of Floor Amendment No. 2, Floor Amendment No. 2 was adopted.

RECORD OF VOTE

Senator Truan asked to be recorded as voting “Nay” on the adoption of the amendment.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 325 ON THIRD READING

Senator Truan moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 325 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 19, Nays 10. (Not receiving four-fifths vote of the Members present)

Yeas: Brooks, Brown, Caperton, Doggett, Edwards, Henderson, Kothmann, Mauzy, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Truan, Uribe, Vale, Williams.

Nays: Blake, Farabee, Glasgow, Harris, Howard, Jones, Leedom, Parker, Traeger, Washington.

Absent-excused: Lyon, Whitmire.

MESSAGE FROM THE HOUSE

House Chamber
May 2, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.J.R. 14, Proposing a constitutional amendment for financial assistance to veterans and to authorize the issuance of bonds of the state to finance the Veterans' Land Program and the Veterans' Housing Assistance Program. (With amendment)

S.B. 222, Relating to temporary registration permits for certain motor vehicles not registered in this state. (With amendments)

S.B. 261, Relating to the perfection of a security interest in a motor vehicle. (With amendments)

S.B. 320, Relating to penalties and interest on delinquent county hotel occupancy taxes and to reporting and remittance requirements by hotel owners or operators. (With amendment)

S.B. 326, Relating to false information given and certain guardianships created that affect a student's eligibility for enrollment in a school or school district.

S.B. 354, Prohibiting a person with a firearm going on premises of certain places. (As substituted)

S.B. 384, Relating to the guarantee of certain school district bonds; prescribing certain powers and duties of the State Board of Education, the commissioner of education, and the state auditor; providing for enforcement proceedings.

S.B. 433, Relating to property tax appraisal for a taxing unit that is located in more than one county. (With amendment)

S.B. 636, Relating to the regulation of real estate brokers and salesmen, to certain duties of the Real Estate Commission, and to the appointment, membership and powers and duties of a Texas Real Estate Broker Lawyer Committee. (With amendments)

H.B. 423, Relating to recovery of collection expense for furnishing labor and materials, and to recovery of attorneys' fees and other expenses of defending invalid claims for furnishing labor and materials.

H.B. 844, Relating to membership in and payment of premiums for insurance coverage under the Texas employees uniform group insurance program.

H.B. 998, Relating to the challenge at the polling place of a person's qualifications to vote.

H.B. 1048, Relating to the punishment of habitual offenders.

H.B. 1084, Relating to local government cooperation to enforce through administration of the motor vehicle registration a warrant issued for the arrest of a person who has failed to appear or pay a fine on a complaint.

H.B. 1369, Relating to eligibility for the board of trustees of the Texas Municipal Retirement System.

H.B. 1836, Relating to the rate of the city hotel occupancy tax.

H.B. 1999, Relating to the compensation and powers of members of the State Board of Medical Examiners, to registration of practitioners and interns, to qualifications of licensees, to grounds for refusal to admit persons to examination.

H.B. 2006, Relating to replacing the limitation on the value of an urban homestead with a limitation based on size.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 748 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 748, Relating to adoption of a nonsubstantive revision of the statutes relating to property.

The bill was read second time and was passed to engrossment.

SENATE BILL 748 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 748** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Lyon, Whitmire.

The bill was read third time and was passed.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 199 - (Parker): Extending congratulations to Meadows School of the Arts.

H.C.R. 200 - (Parker): Extending congratulations to Levelland High School.

H.C.R. 201 - (Parker): Extending congratulations to Dr. Lawrence Weiner.

H.C.R. 202 - (Parker): Extending congratulations to Karen McGraw.

H.C.R. 203 - (Parker): Extending congratulations to Karl Kiliam and the Brazos Book Store.

H.C.R. 204 - (Parker): Extending congratulations to the Spring Branch Independent School District.

H.C.R. 205 - (Parker): Extending congratulations to Dallas Times Herald.

H.C.R. 206 - (Parker): Extending congratulations to Dr. John Biggers.

H.C.R. 207 - (Parker): Extending congratulations to Donna Swartz.

H.C.R. 208 - (Parker): Extending congratulations to Arthur Andersen & Co.

H.C.R. 209 - (Parker): Extending congratulations to the City of Garland.

H.C.R. 210 - (Parker): Extending congratulations to the Corpus Christi Caller Times.

H.C.R. 211 - (Parker): Extending congratulations to the Lufkin Rotary Club.

H.C.R. 212 - (Parker): Extending congratulations to Austin Community Television, Inc.

S.C.R. 101 - By Uribe: Granting the Second Annual Young Leadership Workshop permission to use the House and Senate chambers Thursday, August 18th through Saturday, August 20th, 1983.

S.C.R. 102 - By Brown: Proclaiming Tuesday, May 3, 1983, as Big Brothers/Big Sisters of Texas Day.

S.R. 540 - By Uribe: Honoring the accomplishments of Ms. Tiva Sanchez.

S.R. 541 - By Caperton: Extending welcome to Dr. John T. L. McNew.

S.R. 542 - By Truan: Extending welcome to Delinda Muniz, Honorary Page for the Day.

S.R. 543 - By Truan: Designating the month of May as Hispanic Heritage Month.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 12:50 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(April 27, 1983)

S.B. 435 (Effective September 1, 1983)

S.C.R. 76

H.C.R. 136

Sent to Governor
(April 28, 1983)

S.C.R. 94

S.B. 343

S.B. 617

SIXTY-FIRST DAY

(Tuesday, May 3, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson,